



## Order under Subsection 87(1) Residential Tenancies Act, 2006

**Citation:** London & Middlesex Community Housing Inc. v Gallagher, 2023 ONLTB 14507

**Date:** 2023-01-10

**File Number:** LTB-L-025243-22

**In the matter of:** 605, 170 KENT ST  
LONDON ON N6A1L4

**Between:** London & Middlesex Community Housing Inc. Landlord

**And**

Susan Gallagher Tenant

London & Middlesex Community Housing Inc. (the 'Landlord') applied for an order requiring Susan Gallagher (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on January 5, 2023. Only the Landlord's legal representative, Richard Dehaan, attended the hearing. As of 10:28am, the Tenant was not present or represented although properly served with the notice of the hearing by the Board. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

The Landlord requested to amend their application for arrears only and not termination of the tenancy.

### Determinations:

1. As of the hearing date, the Tenant was still in possession of the rental unit.
2. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
3. The Tenant did not pay the total rent they were required to pay for the period from January 1, 2022 to January 31, 2023.
4. As of December 29, 2022 the monthly rent has been adjusted based on a reassessment for their rent-geared-to-income and was adjusted back to \$115.00 per month effective January 1, 2022. Accordingly, the lawful rent is \$115.00 and it is due on the first day of each month.
5. As of the hearing date, the arrears outstanding for the period ending January 31, 2023 are \$115.00.



6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Landlord request to amend the application for arrears of rent only and not termination of the tenancy is granted. As a result, the order will be limited to costs only.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$301.00. This amount includes rent arrears owing up to January 31, 2023 and the cost of the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before January 31, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 1, 2023 at 5.00% annually on the balance outstanding.

**January 10, 2023**  
**Date Issued**

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Terri van Huisstede  
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor  
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.